

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	EDWARD LONDON,	Case No. 3:20-cv-00284-MMD-CLB
4	Plaintiff	<b>ORDER</b>
5	v.	
6	CHARLES DANIELS, <i>et al.</i> ,	
7	Defendants	
8		

9           **I. DISCUSSION**

10           On May 13, 2020, Plaintiff, an inmate in the custody of the Nevada Department of  
 11 Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed  
 12 an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to  
 13 proceed *in forma pauperis* is incomplete.

14           Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin  
 15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil  
 16 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the  
 17 inmate must submit all three the following documents to the Court:

- 18           (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this  
                  Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on  
                  page 3),
- 19           (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
                  official (i.e. page 4 of this Court’s approved form), and
- 20           (3) a copy of the **inmate’s prison or jail trust fund account statement for the**  
                  **previous six-month period**.

21           Plaintiff has not submitted a fully executed Financial Certificate or an inmate  
 22 account statement for the previous six-month period. Accordingly, the Court denies  
 23 Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because  
 24 the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file

1 a fully complete application to proceed *in forma pauperis* containing all three of the  
2 required documents. Plaintiff will file a fully complete application to proceed *in forma*  
3 *pauperis* on or before **July 14, 2020**. Absent unusual circumstances, the Court will not  
4 grant any further extensions of time. If Plaintiff is unable to file a fully complete application  
5 to proceed *in forma pauperis* with all three required documents on or before **July 14,**  
6 **2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with  
7 the Court when Plaintiff is able to acquire all three of the documents needed to file a fully  
8 complete application to proceed *in forma pauperis*. To clarify, a dismissal without  
9 prejudice means Plaintiff does not give up the right to refile the case with the Court, under  
10 a new case number, when Plaintiff has all three documents needed to submit with the  
11 application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an  
12 application to proceed *in forma pauperis* and instead pay the full filing fee of \$400 on or  
13 before **July 14, 2020** to proceed with this case. The Court will retain Plaintiff's civil rights  
14 complaint (ECF No. 1-1), but the Court will not file the complaint unless and until Plaintiff  
15 timely files a fully complete application to proceed *in forma pauperis* with all three  
16 documents or pays the full \$400 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
19 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
20 application to proceed *in forma pauperis* with all three documents.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
22 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
23 document entitled information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **July 14, 2020**, Plaintiff will either  
25 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
26 administrative fee) or file with the Court:

27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**

5 **previous six-month period.**

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action on or before **July 14, 2020**, the Court will dismiss this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis*.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
13 (ECF No.1-1) but will not file it at this time.

14 DATED: May 18, 2020.

  
Baldwin  
UNITED STATES MAGISTRATE JUDGE